

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, and the remarks that follow as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes and remarks are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1-24 are pending. Claims 1, 10, 13 and 22 have been amended, without prejudice. No new matter is added by these amendments. Support for the recitations in the claims is found throughout the specification, and particularly from page 43, line 4 to page 44, line 18.

Claims 1-24 were rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Yamauchi et al. (U.S. Patent No. 6,020,982) in view of Watanabe et al. (U.S. Patent No. 5,590,306). Applicant disagrees.

For example, claim 1, as amended herein, recites in part, “A terminal apparatus comprising...recording means...**said recording means temporarily records** said copyright-protected contents to said first memory card **for a predetermined period of time**...and controlling means...said controlling means **automatically transfers** the recorded copyright-protected contents...” (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Yamauchi and Watanabe relied upon by the Examiner do not teach, suggest or motivate a skilled artisan to practice at least the above-recited feature of claim 1.

Yamauchi relates to a recording medium for allowing a user to select a memory card as a recording source and an HDD as a recording destination (column 55, lines 63-67) and Watanabe relates to protected and unprotected data (column 9, lines 38-47). However, Yamauchi and Watanabe do not disclose that the recording means temporarily records copyright-unprotected contents to a first memory card for a predetermined period of time and also do not disclose controlling means for automatically transferring the recorded copyright-unprotected contents from said first memory card to the inserted second memory card, as instantly claimed.

In the present invention, the user of the terminal apparatus inadvertently inserts a copyright-noncompliant memory card to record desired data. The desired data is recorded to the copyright-noncompliant memory card only temporarily and for only a predetermined period of time. Once the user inserts the correct card (i.e., the copyright-compliant memory card), then a controller automatically, and, without asking permission from the user, transfers the desired data from the non-compliant memory card to the compliant memory card. In contrast, Yamauchi seems to allow a user to freely select and transfer data from one memory card to another memory card without determining compliancy. In the present invention, the desired data must be transferred to a compliant memory card in order to be executed properly. Therefore, the instant claims are believed to be distinguishable from the applied combination of Yamauchi and Watanabe for at least the reasons stated above.

For reasons similar to those described above, claims 10, 13 and 22 are also believed to be distinguishable from the applied combination of Yamauchi and Watanabe.

Claims 2-9, 11, 12, 14-21, 23 and 24 depend from one of claims 1, 10, 13 and 22 and, due to such dependency, are also believed to be distinguishable from the applied combination of Yamauchi and Watanabe for at least the reasons previously described.


Applicant therefore respectfully requests that the rejection of claims 1-24 under 35 U.S.C. §103(a) over Yamauchi and Watanabe be reconsidered and withdrawn.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited documents, it is requested that the Examiner indicate where in the reference or references, is there a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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